



600 S. Beacon Blvd., Suite A
Grand Haven, Michigan 49417
Phone: 616-847-1680 ext. 21
Fax: 616-847-9970

Kelly N. Rice
Senior Project Manager
Ecological Services - Michigan
krice@jfnew.com

Corporate Office:
Walkerton, Indiana

Crete, Illinois

Indianapolis, Indiana

Grand Haven, Michigan

Cincinnati, Ohio

Madison, Wisconsin

Native Plant Nursery:
Walkerton, Indiana

www.jfnew.com

September 27, 2004

Mr. Darren Harris
U.S. Fish and Wildlife Service
New Jersey Field Office
927 North Main Street, Building D
Pleasantville, NJ 08232

**SUBJECT: Informal Section 7 Consultation Reinitiation for the
LE Carpenter and Company Site, Borough of Wharton,
Morris County, New Jersey
(USEPA ID No. NJD002168748)
(USFWS Control No. EC-04/45)
(JFNew Project No. 040229)**

Dear Mr. Harris,

On behalf of L.E. Carpenter & Company (LEC) and RMT, Inc. (RMT), JFNew and Associates, Inc. (JFNew) is submitting this letter to reinitiate informal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act of 1973, as amended.

This informal consultation is intended to determine if there are any federal endangered or threatened species or critical habitats present in the vicinity of the aforementioned LEC site. The site is located at 170 North Main Street, Block 301, Lot 1 and Block 703, Lot 30 in the Borough of Wharton, Morris County, New Jersey (Figure 1). The project is also located in the USGS Dover, New Jersey quadrangle with center state plane coordinates of N 754326.5 - E 470891.8 (Figure 2). A Remedial Action Work Plan (RAWP) has been developed by RMT for the subject National Priorities List (NPL) site, and informal Section 7 consultation is requested to remain in compliance with the requirements of the Endangered Species Act, as amended.

Informal consultation for this site was originally initiated on May 1, 1991 by the U.S. Environmental Protection Agency (Appendix A). However, due to the period of time that has elapsed since consultation was initiated and the fact that the project scope has changed, reinitiation is currently requested.

As part of the initial consultation response in 1991, the USFWS referred to a potential for the occurrence of swamp pink (*Helonias bullata*) on the project area due to its documented occurrence within 10 miles of the site. It should be noted that state of New Jersey records and permitting requirements do not list the Borough of Wharton as having any known occurrences of swamp pink (New Jersey Department of Environmental Protection Land Use Regulation Program Freshwater Wetlands Permit Program, Attachment C, dated April 2001).

346544



During a site review on March 26, 2004, wetland habitats on site were delineated and characterized by JFNew staff. The wetland habitats encountered within the limits of proposed remediation activities can be classified as forested/scrub-shrub and emergent wetlands. The forested/scrub-shrub community along the Rockaway River was dominated by box elder (*Acer negundo*), red maple (*Acer rubrum*), silver maple (*Acer saccharinum*), silky dogwood (*Cornus obliqua*), pin oak (*Quercus palustris*), and reed canary grass (*Phalaris arundinacea*) (Appendix B, Photos 1-3). No evergreen tree species were noted. This habitat extends off site to the east where it transitions into a predominantly emergent marsh. The emergent marsh was dominated by cattails (*Typha* sp.), common reed (*Phragmites australis*), purple loosestrife (*Lythrum salicaria*), and reed canary grass (Appendix B, Photos 4-6). During this on-site habitat characterization and protected species review, no swamp pink plants were observed in any of the wetland communities within the proposed project area. The site review was also conducted during the species' typical blooming time from March to May.

The Borough of Wharton, Morris County, New Jersey is listed as a know location for the bog turtle (New Jersey Department of Environmental Protection Land Use Regulation Program Freshwater Wetlands Permit Program, Attachment D, dated April 2001). The bog turtle inhabits calcareous (limestone) fens, sphagnum bogs, and wet, grassy pastures that are characterized by soft, muddy substrates and perennial groundwater seepages. Bog turtle habitats are well drained and water depth rarely exceeds 10 cm above the surface. The wetland systems on site primarily consist of forested and scrub-shrub wetland communities. These forested/scrub-shrub areas transition into an emergent marsh habitat to the east of the site, however, this marsh appears to contain deeper water depths and is dominated by lower quality, nuisance species as previously described. This habitat does not appear to meet the requirements for bog turtle utilization. All wetland disturbance areas contain contaminated soils that will be removed as the result of project implementation. The proposed wetland impacts are temporary in nature and on-site restoration for impacts are proposed that will increase wetland biodiversity. For these reasons, it is anticipated that proposed remediation activities will not result in any direct or indirect adverse impacts to the bog turtle or its habitat.

The LEC project site is located along the Rockaway River in a section designated as Freshwater 2 – Trout Maintenance (FW2-TM) Category 1 (C1). Restrictions associated with this designation may include limited project activity from March 15 – June 15. In order to complete the four months of anticipated remediation earth moving activities prior to that time, an expedited informal Section 7 consultation response is requested.

If you have any questions or require any further information, please do not hesitate to contact me. Thank you for your prompt assistance with this matter.

Sincerely,



Kelly N. Rice, PWS
Senior Project Manager

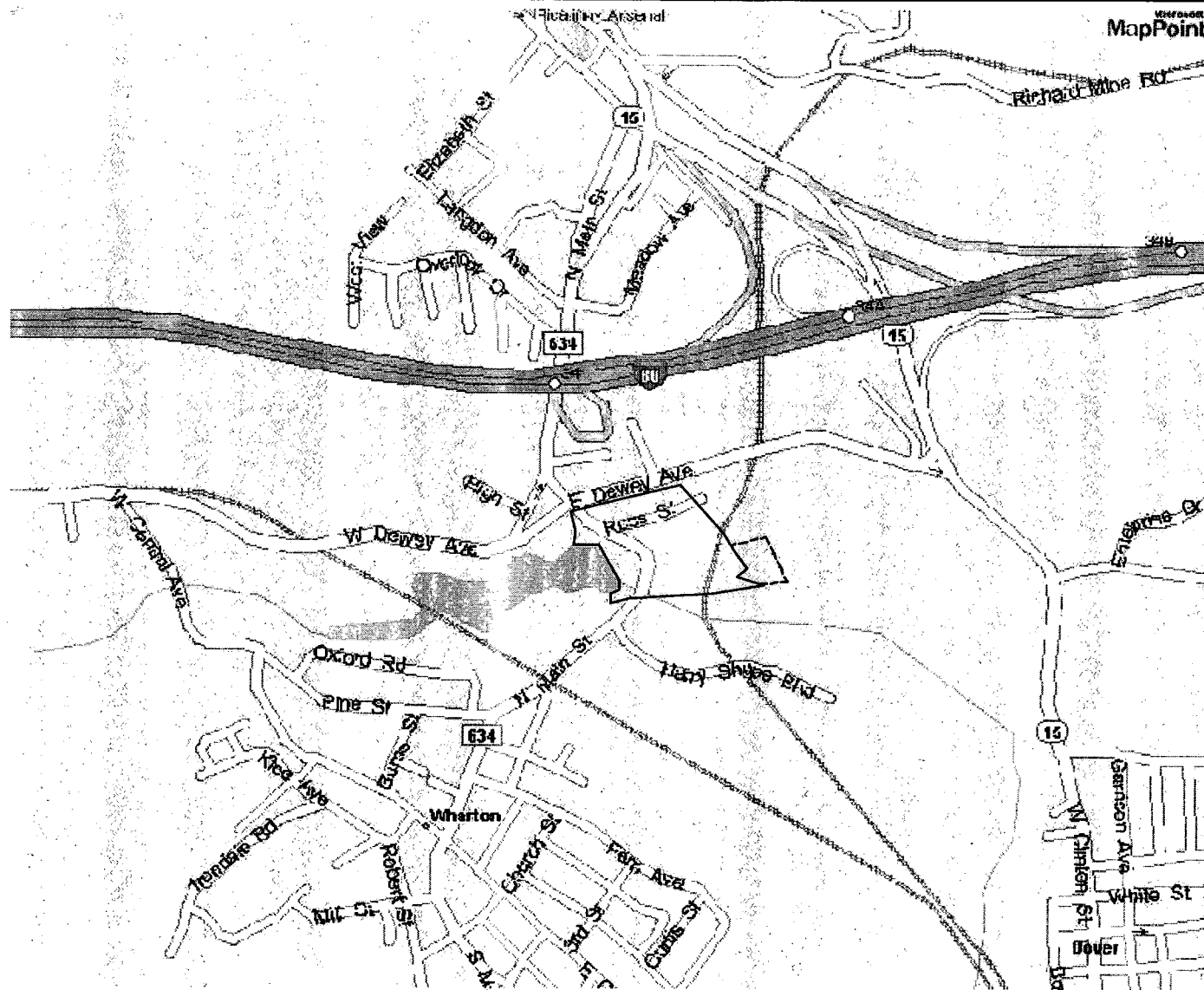
Attachments:

Figure 1: Location Map

Figure 2: USGS Map

Appendix A: Original Informal Consultation Request and Response

Appendix B: Site Photographs



LEGEND



- APPROXIMATE PROPERTY BOUNDARY



- EXPANDED PROJECT AREA



FIGURE 1 - LOCATION MAP

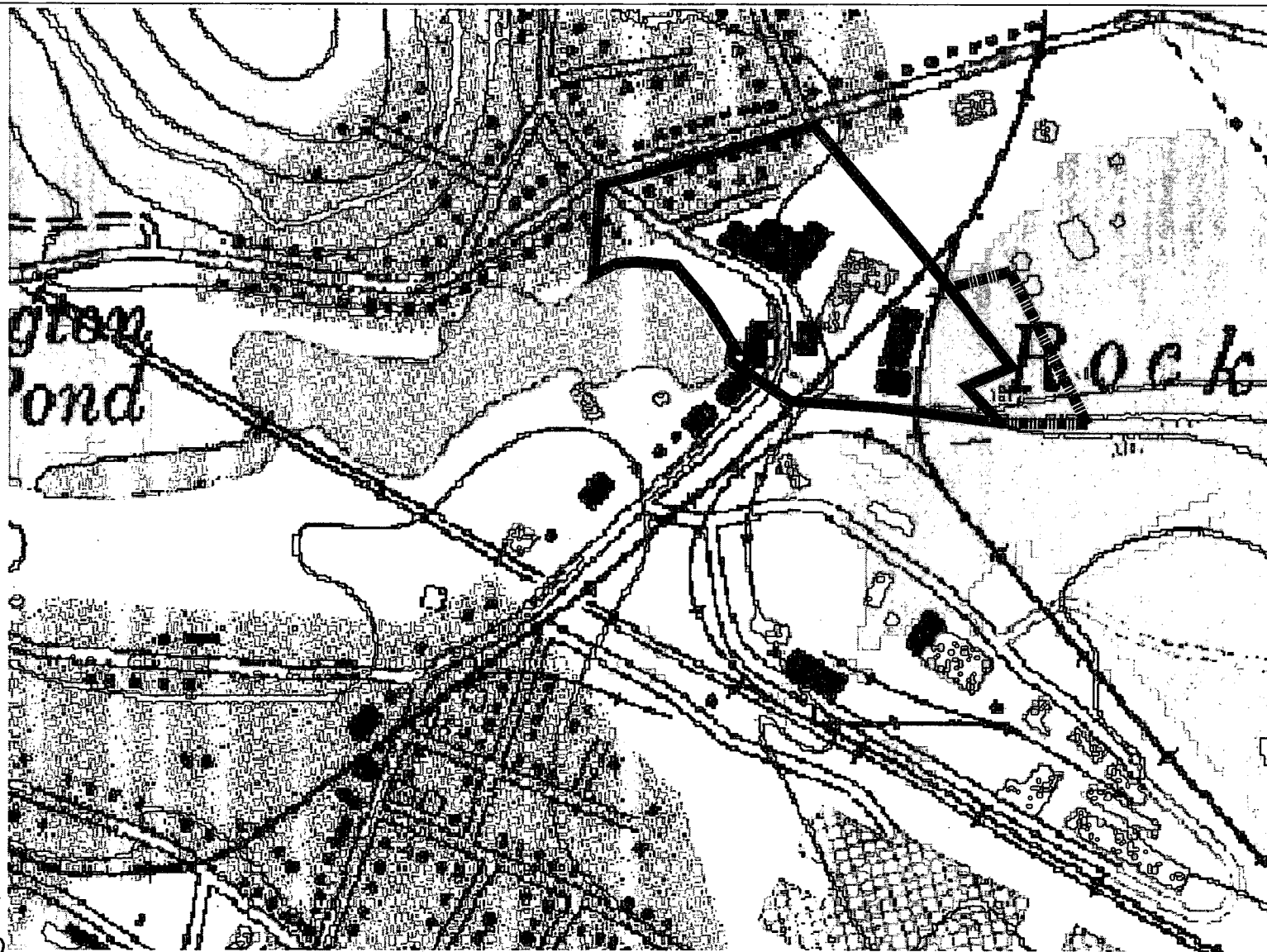
L.E. CARPENTER
WHARTON, NEW JERSEY



SCALE: NTS

DATE: 09.23.04

FILE: 040229LocationMap



LEGEND



- APPROXIMATE PROPERTY BOUNDARY



- EXPANDED PROJECT AREA

NOTES

STATE PLANE COORDINATES -
754326.58N 470891.83E (NAD83)

SOURCE: DOVER, NJ QUADRANGLE



600 S. Beacon, Grand Haven, MI 49417
(616) 847-1680/ Fax (616) 847-9970
www.jfnew.com

FIGURE 2 - USGS MAP

L.E. CARPENTER
WHARTON, NEW JERSEY



SCALE: NTS

DATE: 09.23.04

FILE: 040229USGSmap

Appendix A:

**Original Informal
Section 7 Consultation
May 1, 1991**